

REMARKS***Claim Amendments***

Method claim 12 has been cancelled, without prejudice to Applicant's right to prosecute any deleted subject matter thereof in one or more continuing applications.

New method of treatment claims 13 to 16 have been added, each now directed toward the treatment of a specific disease condition:

- Claim 13 is directed toward a method of treating rheumatoid arthritis, which finds support in the specification, *inter alia*, at page 1, line 26 to page 2, line 16 (named at page 1, line 28 and page 2, line 8), and discussed and named at many other locations throughout the specification, *e.g.*, page 2, lines 17-19; page 54, line 16 to page 55, line 2; and page 60, lines 1-22.
- Claim 14 is directed toward a method of treating osteoarthritis, which finds support in the specification, *inter alia*, at page 1, line 26 to page 2, line 16 (named at page 1, line 28 and page 2, line 8).
- Claim 15 is directed toward a method of treating psoriasis, which finds support in the specification, *inter alia*, at page 1, line 26 to page 2, line 16 (named at page 1, line 30); page 60, lines 1-22 (named at lines 8, 11 and 22).
- Claim 16 is directed toward a method of treating chronic obstructive pulmonary disease, which finds support in the specification, at page 1, lines 26 to page 2, line 16 (named at page 1, line 32).

No new matter is added by these amendments, and entry of the same is respectfully requested.

Status of the Claims

Following entry of the above amendments, claims 1-3, 5-10 and 13-16 are pending in this application. The Examiner has noted that the objections to claims 1-3 and 5-10 were overcome by the November 13, 2003 Amendment and Response, and it is understood that these claims are in condition for allowance. The only outstanding rejection is with respect to method claim 12, discussed below.

Claim Rejection – 35 USC § 112

Method claim 12 has been rejected under 35 U.S.C. § 112, first paragraph. The Examiner notes that, “the specification, while being enabling for the treatment of certain diseases that are mediated by cytokines, it does not provide enablement for all cytokine mediated diseases.”

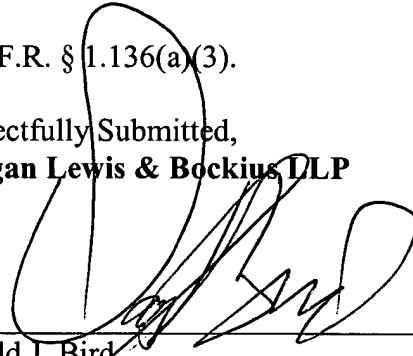
This ground for rejection has been obviated by the cancellation of claim 12, without prejudice to Applicant’s right to prosecute any cancelled subject matter thereof in one or more continuing applications. New method of treatment claims 13 –16 are all directed to specific diseases (which are described in the specification as being mediated by cytokines, at the locations noted above), specifically rheumatoid arthritis, osteoarthritis, psoriasis and chronic obstructive pulmonary disease. In view of the above-quoted statement by the Examiner, the specification is believed to be enabling for these specific disease conditions. Accordingly, the rejection of claim 12 has been obviated by the cancellation thereof, and new method claims 13-16 are supported and enabled by the specification, and are believed to be in condition for allowance.

Conclusion

In view of the above amendments and the foregoing remarks, it is believed that the one remaining ground for rejection has been obviated, and that new method claims 13-16 are in condition for allowance. Accordingly, allowance of all claims is believed to be in order, and is respectfully requested.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,
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